

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DARIANA LUPERON,

Plaintiff,

- against -

NORTH JERSEY TRUCK CENTER, INC.
MORETRAN LEASING CORP., and
RANDY CAMPOSATOS,

COMPLAINT

Case No. 07 CV 9630 (RJS)

ECF CASE

Defendants.

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Plaintiff complaining of the defendants by her attorney, KEVIN CONCAGH, P.C., respectfully alleges upon information and belief as follows:

FIRST CAUSE OF ACTION

1. The plaintiff, DARIANA LUPERON, resides at 115A West 168th Street, Bronx, N.Y. 10452, and is a "citizen" of the State of New York pursuant to 28 USC 1332.
2. The defendant NORTH JERSEY TRUCK CENTER, INC. is a corporation organized and existing pursuant to the laws of the State of New Jersey and maintains its principal place of business at 236 Route 46 East, Saddlebrook, N.J. 07663, and is a "citizen" of the State of New Jersey pursuant to 28 USC 1332.
3. The defendant MORETRAN LEASING CORP. is a corporation organized and existing pursuant to the laws of the State of New Jersey and maintains its principal place of business at 236 Route 46 East, Saddlebrook, N.J. 07663, and is a "citizen" of

the State of New Jersey pursuant to 28 USC 1332.

4. The defendant RANDY CAMPOSATOS resides at 17 Spring Street, New London, CT 06320, and is a "citizen" of the State of Connecticut pursuant to 28 USC 1332.

5. Jurisdiction of this Court is based upon the diversity of citizenship of the parties pursuant to 28 USC 1332 and the amount in controversy, exclusive of interest and costs, exceeds Seventy-Five Thousand (\$75,000.00) Dollars.

6. This action falls within one or more of the exceptions set forth in New York CPLR 1602.

7. At all times herein mentioned the defendant NORTH JERSEY TRUCK CENTER, INC. was the owner of a 2001 Freightliner tractor bearing New York license plate number 83135PA and vin number J46210 and USDOT number 1418472.

8. At all times herein mentioned the defendant MORETRAN LEASING CORP. was the owner of a 2001 Freightliner tractor bearing New York license plate number 83135PA and vin number J46210 and USDOT number 1418472.

9. At all times herein mentioned the defendant RANDY CAMPOSATOS was the owner of a 2004 Chevrolet motor vehicle bearing New York license plate number 2005 286K.

10. At all times hereinafter mentioned, the plaintiff, DARIANA LUPERON, was a passenger in the vehicle owned by the defendant RANDY CAMPOSATOS.

11. On or about August 2, 2007, at about 6:30 p.m., COLLIE ARNOLD was an agent, servant and/or employee of the defendants NORTH JERSEY TRUCK CENTER, INC. and/or MORETRAN LEASING CORP. and operating the vehicle

owned by the defendant NORTH JERSEY TRUCK CENTER, INC. and/or MORETRAN LEASING CORP. on and along Barry Street, Bronx, New York.

12. On or about August 2, 2007, at about 6:30 p.m., Edwin Suero was operating the vehicle owned by the defendant RANDY CAMPOS MATOS on and along Longwood Avenue, Bronx, New York.

13. At the aforesaid time and place, the vehicle operated by COLLIE ARNOLD was dangerous and defective and was operated in a dangerous and reckless manner.

14. At the aforesaid time and place, the vehicle operated by EDWIN SUERO was dangerous and defective and was operated in a dangerous and reckless manner.

15. At the aforesaid time and place, and more particularly at the intersection of Barry Street and Longwood Avenue, Bronx, New York, the aforesaid vehicles were in collision.

16. Said collision was caused solely and wholly by reason of the carelessness, recklessness and negligence of the defendants and their agents, servants and/or employees, and the plaintiff, DARIANA LUPERON, did not contribute thereto.

17. As a result of the foregoing, the plaintiff, DARIANA LUPERON, was caused to sustain serious and severe permanent personal injuries with related pain and suffering and economic loss, as defined in section 5102(d) of the Insurance Law of the State of New York, giving further jurisdiction to this Court pursuant thereto.

18. By reason of the foregoing, the plaintiff, DARIANA LUPERON, has been damaged in the sum of TEN MILLION (\$10,000,000) DOLLARS.

WHEREFORE, the plaintiffs demand a jury trial and judgment against the defendants on the cause of action herein alleged as follows:

FIRST CAUSE OF ACTION: TEN MILLION (\$10,000,000) DOLLARS

together with interest and the costs and disbursements of this action.

Dated: New York, New York
October 23, 2007

KEVIN CONCAGH, P.C.
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By: _____ /S/
KEVIN CONCAGH (9144 KC)